

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	) BANKRUPTCY CASE
	)
BRIAN THOMAS CROOKS	) NO. 09-69160
BETH HAYNES	)
	)
Debtor	)
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	)
BAC HOME LOANS SERVICING, L.P.	) JUDGE: ROBERT BRIZENDINE
FKA COUNTRYWIDE HOME LOANS	)
SERVICING, L.P.	)
	)
Movant	)
	) CHAPTER 13
vs.	)
	)
BRIAN THOMAS CROOKS	)
BETH HAYNES	)
ADAM M. GOODMAN, Trustee	)
	)
Respondents	)

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW Movant and shows this Court the following:

1.

This is a Motion under Section 362(d) of the Bankruptcy Code for relief from the automatic stay for all purposes allowed by law and the contract between the parties, including, but not limited to, the right to foreclose on certain real property.

2.

Movant is the servicer of a loan secured by certain real

property in which Debtors claim an interest. Said real property is security for a promissory note, and is commonly known as 90 Fairlie Street, Unit 203, Atlanta, Georgia.

3.

Debtors' Amended Chapter 13 Plan provides for the surrender of the real property. In addition, Debtors have defaulted in making payments which have come due since this case was filed. Through the month of July 2009, three (3) payments have been missed.

4.

The unpaid principal balance is \$285,917.69, and interest is due thereon in accordance with the Note.

5.

Because of the Debtors' default and clear inability to make all required payments, Movant is not adequately protected and shows that there is cause for relief from the automatic stay.

6.

Because the Security Instrument so provides, Debtors are responsible for Movant's reasonable attorney's fees.

WHEREFORE, Movant prays for an Order lifting the automatic stay, authorizing Movant to exercise its rights under the Note, Security Instrument and appropriate state statutes, including, but

not limited to, the right to foreclose on its collateral. Movant prays for reasonable attorney's fees and for such other and further relief as is just and equitable.

s/  
\_\_\_\_\_  
MARIA TSAGARIS, BAR NO. 143071  
Attorney for Movant

McCalla Raymer, LLC  
1544 Old Alabama Road  
Roswell, Georgia 30076-2102  
(770) 643-2148  
(800) 845-8633

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	
	:	CASE NO. 09-69160
BRIAN THOMAS CROOKS	:	
BETH HAYNES	:	CHAPTER 13
	:	
Debtor	:	JUDGE: ROBERT BRIZENDINE
	:	
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	:	
BAC HOME LOANS SERVICING, L.P. FKA	:	
COUNTRYWIDE HOME LOANS SERVICING,	:	
L.P.,	:	
	:	
Movant	:	CONTESTED MATTER
	:	
v.	:	
	:	
	:	
BRIAN THOMAS CROOKS	:	
BETH HAYNES	:	
ADAM M. GOODMAN, Trustee	:	
Respondents	:	

NOTICE OF HEARING

PLEASE TAKE NOTICE that Movant has filed a Motion for Relief from the Automatic Stay and related papers with the Court seeking an Order Granting Motion for Relief from Stay.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion for Relief from the Automatic Stay in Courtroom 1202, 75 Spring Street, Atlanta, Georgia 30303 at 10:30 A.M. on August 27, 2009.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, United States Bankruptcy Court, 75 Spring Street, Suite 1340, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Dated: 7/30/09

s/  
\_\_\_\_\_  
Maria Tsagaris  
Bar No. 143071  
Counsel for Movant  
McCalla Raymer, LLC  
1544 Old Alabama Road  
Roswell, Georgia 30076  
(770) 643-2148

File No. CHL-09-23917

BANKRUPTCY CASE NO. 09-69160

CHAPTER 13

JUDGE: ROBERT BRIZENDINE

CERTIFICATE OF SERVICE

I, Maria Tsagaris of McCalla Raymer, LLC, 1544 Old Alabama Road, Roswell, Georgia 30076-2102, certify:

That on the date below, I served a copy of the within NOTICE OF ASSIGNMENT OF HEARING, together with the "MOTION FOR RELIEF FROM THE AUTOMATIC STAY" filed in this bankruptcy matter on the following parties at the addresses shown, by regular United States Mail, postage prepaid, unless another manner of service is expressly indicated:

Brian Thomas Crooks  
90 Fairlie Street  
Unit 203  
Atlanta, GA 30303

Beth Haynes  
90 Fairlie Street  
Unit 203  
Atlanta, GA 30383

Anthony B. Sandberg, Esquire  
The Sandberg Law Firm  
International Tower - Suite 705  
229 Peachtree Street, North East  
Atlanta, GA 30303

Adam M. Goodman, Trustee  
Suite 200  
260 Peachtree Street  
Atlanta, GA 30303

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on 7/30/09 By: s/  
(date) MARIA TSAGARIS, BAR NO. 143071  
Attorney for Movant